

1 LYNN HUBBARD, III SBN 69773  
2 SCOTTLYNN J HUBBARD, IV, SBN 212970  
3 **LAW OFFICES OF LYNN HUBBARD**  
4 12 Williamsburg Lane  
Chico, CA 95926  
Phone: (530) 895-3252  
Fax: (530) 894-8244

5 Attorneys for Plaintiff

6 ANN HOFFMANN LARSON, SBN 176461  
7 GARY R. JOHNSON, SBN 42894  
MCNAMARA DODGE NEY BEATTY SLATTERY & PFALZER  
8 1211 Newell Avenue, P.O. Box 5288  
Walnut Creek, CA 94596  
Phone: (925) 939-5330  
Fax: (925) 939-0203

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10 Attorneys For Defendant Kelly-Moore Paint Company, Inc.

11 ADRIAN RANDOLPH, SBN 133577  
JENNY J. RIM, SBN 231584  
12 RANDOLPH CREGGER & CHALFANT LLP  
1030 "G" Street  
Sacramento, CA 95814  
Phone: (916) 443-4443  
Fax: (916) 443-2124

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14 Attorneys For Defendant  
Alexander and Shirley Fahn Revocable Trust

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16 UNITED STATES DISTRICT COURT  
17 EASTERN DISTRICT OF CALIFORNIA  
18  
19 JAMES SANFORD, ) Case No. CIV.S-04-1033 FCD PAN  
Plaintiff, )  
20 vs. ) **STIPULATION AND ORDER  
MODIFYING THE SCHEDULING  
ORDER REGULATING DISCOVERY**  
21  
22 KELLY-MOORE PAINT COMPANY, )  
INC.; ALEXANDER FAHN and )  
23 SHIRLEY FAHN TRUSTEES OF THE )  
ALEXANDER and SHIRLEY FAHN )  
24 REVOCABLE TRUST; and DOES 1 )  
through 20, )  
25  
Defendants. )  
26

**WHEREAS**, on September 13, 2004, the parties were served with a Scheduling Order ("Scheduling Order") for this action;

**WHEREAS**, the Scheduling Order provided that all discovery shall be completed by all parties on or before August 15, 2005;

5                   **WHEREAS**, defense counsel informed plaintiff's counsel that defendant's expert  
6 witness would not be available for deposition until the beginning of September 2005, both parties  
7 seek to extend the date for the close of discovery as to defendants' expert only, in order for the  
8 deposition to occur;

**IT IS HEREBY STIPULATED AND AGREED** by and among the parties hereto  
that the Scheduling Order shall be amended to provide as follows:

11 (1) Defendants' expert deposition will be conducted on or before September 30,  
12 2005.

13 DATED: August 15, 2005 LAW OFFICES OF LYNN HUBBARD, III

15 By:/s/ LYNN HUBBARD, III  
16 Lynn Hubbard, III  
Attorney for Plaintiff

**18** DATED: August 15, 2005 MCNAMARA DODGE NEY BEATTY SLATTERY & PFALZER

20 By: Signature on file  
21 Gary R. Johnson  
Attorneys for Defendant Kelly-Moore Paint  
Company, Inc.

**23** | DATED: August 15, 2005 RANDOLPH CREGGER & CHALFANT

25 By: Signature on file  
Jenny J. Rim  
26 Attorneys for Defendant Alexander Fahn and  
Shirley Fahn, Trustees of the Alexander and  
Shirley Fahn Revocable Trust

1                   **ORDER**

2                   **IT HAVING BEEN STIPULATED BY THE PARTIES, IT IS HEREBY**

3                   **ORDERED** that the Scheduling Order shall be amended to provide as follows:

4                   (1) Defendants' expert deposition will be conducted on or before September 30,  
5                   2005.

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7                   DATED: August 16, 2005

/s/ Frank C. Damrell Jr.

8                   \_\_\_\_\_  
9                   UNITED STATES DISTRICT JUDGE

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